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Mail Stop Appeal Brief - Patents

In re application of: Frederic BAUCHOT et al.

Attorney Docket No. FR20000003US1

Application No. : 09/812,202

Group Art Unit : 2176

Filed : March 19, 2001

Examiner : N. Hillery

For : METHOD AND SYSTEM IN AN ELECTRONIC SPREADSHEET FOR HANDLING ABSOLUTE REFERENCES IN A COPY/CUT AND PASTE OPERATION ACCORDING TO DIFFERENT MODES

Commissioner for Patents
 U.S. Patent and Trademark Office
 Customer Service Window, Mail Stop Appeal Brief - Patents
 Randolph Building
 401 Dulany Street
 Alexandria, VA 22314

Sir:

Transmitted herewith is an **Appeal Brief under 37 C.F.R. § 41.37** in the above-captioned application.

_____ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

_____ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

_____ A Request for Extension of Time.

_____ No additional fee is required.

The fee has been calculated as shown below:

| Claims After Amendment | No. Claims Previously Paid For | Present Extra | Small Entity | | Other Than A Small Entity | |
|-----------------------------------|--------------------------------|---------------|--------------|-----|---------------------------|----------|
| | | | Rate | Fee | Rate | Fee |
| Total Claims: 4 | *20 | 0 | x25= | \$ | x 50= | \$ 0.00 |
| Indep. Claims: 3 | **3 | 0 | x100= | \$ | x200= | \$ 0.00 |
| Extension Fees for _____ Month(s) | | | | \$ | +360= | \$ 0.00 |
| Appeal Brief Filing Fee | | | | \$ | | \$500.00 |
| Total: | | | | \$ | Total: | \$500.00 |

* If less than 20, write 20

** If less than 3, write 3

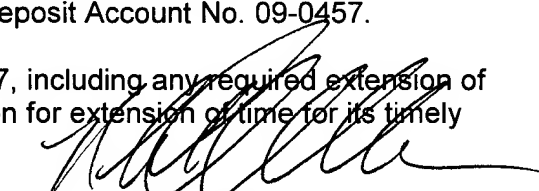
X Please charge my Deposit Account No. 09-0457 in the amount of \$500.00.

N/A A check in the amount of \$ _____ to cover the filing/extension fee is included.

X The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 09-0457.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).


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P26832.A01
Atty. Docket No.: FR20000003US1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellant : F. BAUCHOT et al. Conf. No. 9602
Appln. No. : 09/812,202 Group Art unit: 2176
Filed : March 19, 2001 Examiner: N. Hillery
For : METHOD AND SYSTEM IN AN ELECTRONIC SPREADSHEET FOR
HANDLING ABSOLUTE REFERENCES IN A COPY/CUT AND PASTE
OPERATION ACCORDING TO DIFFERENT MODES

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Appeal Brief - Patents
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

This appeal is from the Examiner's final rejection of claims 1 - 4 as set forth in the Final Office Action of January 21, 2005.

A Notice of Appeal in response to the January 21, 2005 Final Office Action was filed April 21, 2005. Further, the instant Appeal Brief is being timely submitted by the initial due date of June 14, 2005.

Appellant authorizes the charging of the requisite fee under 37 C.F.R. 41.20 (b)(2) in the amount of \$ 500.00 for the filing of the Appeal Brief, as well as any other fees necessary to ensure consideration of the instant Appeal Brief, to **IBM Deposit Account No. 09 - 0457**.

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(1) **REAL PARTY IN INTEREST**

The real party in interest is International Business Machines Corporation, Armonk, New York 10504 as evidenced by the Notice of Recordation dated March 19, 2001 at Reel 011664 and Frame 0457.

(2) **RELATED APPEALS AND INTERFERENCES**

No related appeals and/or interferences are pending.

(3) STATUS OF THE CLAIMS

Claims 1 - 4, the only claims pending in the instant application, stand finally rejected.

(4) STATUS OF THE AMENDMENTS

No amendments have been entered subsequent to the Final Office Action of January 21, 2005.

(5) SUMMARY OF CLAIMED SUBJECT MATTER

The instant invention is directed to relates to the field of information processing by digital computers, and more particularly to a method and system, in an electronic spreadsheet, for handling absolute references during a copy & paste operation or during a cut & paste operation. (Specification, paragraph [0001]).

The following descriptions are made with respect to the independent claims and include references to particular parts of the specification. As such, the following are merely exemplary and are not a surrender of other aspects of the present invention that are also enabled by the present specification and that are directed to equivalent structures or methods within the scope of the claims.

Independent claim 1 is directed to method for processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names. The method includes selecting a source cell range to cut and paste or to copy and paste into a destination cell range (specification, paragraph [0076]; and Figure 4); storing in a working buffer the content of each cell that belongs to said source cell range (specification, paragraph [0077]; and Figure 4); clearing the content of each cell that belongs to a source cell range to cut (specification, paragraph [0078]; and Figure 4); for each cell stored in the working buffer: if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range: determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range (specification, paragraph [0079]; and Figure 4); determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range (specification, paragraph [0080]; and Figure 4); replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range (specification, paragraph [0081]; and Figure 4); copying the content of each cell stored in the buffer to corresponding cells within the destination cell range (specification, paragraph [0082]; and Figure 4).

Independent claim 2 is directed to a system adapted for carrying out the method for

processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names. The system includes means for selecting a source cell range to cut and paste or to copy and paste into a destination cell range (specification, paragraph [0035]; and elements 104 and 105 in Figure 1A); means for storing in a working buffer the content of each cell that belongs to said source cell range (specification, paragraph [0035]; and elements 102 and 107 in Figure 1A); means clearing the content of each cell that belongs to a source cell range to cut (specification, paragraph [0036]; and element 152 executed on system 100 in Figure 1B); for each cell stored in the working buffer, if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range: means for determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range (specification, paragraph [0056]; Figure 3; and element 152 executed on system 100 in Figure 1B); means for determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range (specification, paragraph [0058]; Figure 3; and element 152 executed on system 100 in Figure 1B); means for replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range (specification, paragraph [0065]; Figure 3; and element 152 executed on system 100 in Figure 1B); and means for copying the content of each cell stored in the buffer to corresponding cells within the destination cell range (specification, paragraph [0065]; Figure 3; and element 152 executed on system 100 in Figure 1B).

Independent claim 4 is directed to a method for processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names. The method includes copying a first cell found in a memory clipboard within a working buffer in memory (specification, paragraph [0077]; and Figure 4); parsing content of the memory working buffer (specification, paragraph [0078]; and Figure 4); performing a test to detect, while parsing, if any absolute reference is found within the content of the memory working buffer (specification, paragraph [0079]; and Figure 4); if any absolute reference is found, then:

performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard (specification, paragraph [0080]; and Figure 4); if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range (specification, paragraph [0081]; and Figure 4); copying the content of the memory working buffer within the pasted cell range at the cell location matching the relative position of the last cell copied from the clipboard to the memory working buffer when an entire content of the memory working buffer has been parsed and all potential absolute references pointing within the source cell range have been updated (specification, paragraph [0082]; and Figure 4).

(6) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

(A) Claim 2 is are Rejected Under 35 U.S.C. § 101 as being Directed to Non-statutory Subject Matter;

(B) Claims 1 – 4 are Rejected Under 35 U.S.C. § 103(a) as Unpatentable Over ANDERSON et al. (European Patent Application No. 569 133 A2) [hereinafter “ANDERSON”].

(7) **ARGUMENT**

(A) The Rejection of Claim 2 Under 35 U.S.C. § 101 as being Directed to Non-statutory Subject Matter is in Error, the Rejection Should be Reversed, and the Application Should be Remanded to the Examiner.

The Examiner asserts claim 2 merely recites functional descriptive data or a computer program. Appellant respectfully traverses the Examiner's assertions.

In particular, Appellant submits that Claim 2 recites, *inter alia*, a means for selecting a source cell range which is described in the specification as utilizing, by way of non-limiting example, a pointing device 105 that can copy/paste and cut/paste the data or information in the cells. Claim 2 also recites a means for storing in a working buffer which recites structural features that create and/or provide a memory. Finally, the claim preamble specifically recites a system for processing which necessarily requires sufficient structure or platform which allows the spreadsheet program to run.

Thus, contrary to the Examiner's assertions, claim 2 is not merely limited to software, but necessarily recites one or more structural features in order to both support the spreadsheet program and allow it to be used in the manner claimed.

Further, Appellant directs the Examiner's attention to the guidelines in § 2106 of the Manual of Patent Examining Procedure [M.P.E.P.] which state:

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Appellant submits that the specification and claims clearly demonstrate that Appellant's invention, as recited in claim 2 provides a practical application for processing cells references during a copy/cut and paste operation, which is useful and clearly produces a useful, concrete and tangible result, such that this claim contains patentable subject matter. For example, the invention recited in claim 2 specifically provides for a novel and non-obvious way to copy/paste

or cut/paste data in source cells to destination cells in a manner which, though somewhat similar to the way disclosed in US Patent 5,416,895, is not taught by the applied art of record. The Examiner has not demonstrated otherwise.

Accordingly, Appellant requests that the Board reverse the Examiner's decision to finally reject claim 2 under 35 U.S.C. §101, and remand the application to the examining group for early allowance.

(B) The Rejection of Claims 1 – 4 Under 35 U.S.C. § 102(a) as being Unpatentable Over ANDERSON is in Error, the Rejection Should be Reversed, and the Application Should be Remanded to the Examiner.

The Examiner asserts ANDERSON teaches or substantially teaches all the features recited in these claims except for, *inter alia*, the working buffer. However, the Examiner asserts that it would have been obvious to modify ANDERSON to include such a working buffer. Appellant respectfully traverses the Examiner's assertions and the basis of this rejection.

Appellant submits that no proper reading or modification of ANDERSON teaches or suggests, *inter alia*, storing in a working buffer the content of each cell that belongs to said source cell range and/or clearing the content of each cell that belongs to said source cell range, as recited in at least independent claim 1. Further, Appellant submits that no proper reading or modification of ANDERSON teaches or suggests, *inter alia*, means for storing in a working buffer the content of each cell that belongs to said source cell range and/or a means for clearing the content of each cell that belongs to said source cell range to cut, as recited in at least independent claim 2, nor teaches or suggests, *inter alia*, performing a test, while parsing, if any absolute reference is found within the content of the memory working buffer in combination and/or if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard and if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range, as recited in at least independent claim 4.

Appellant directs the Examiner's attention to the guidelines identified in M.P.E.P section 2141 which state that

"[i]n determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." *In re Linter*, 458 F.2d 1013, 1016, 173 USPQ 560, 562 (CCPA 1972).

As this section clearly indicates,

[o]bviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Moreover, it has been legally established that

[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. *In re Mills*, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990) Although a prior art device "may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so." 916 F.2d at 682, 16 USPQ2d at 1432.). See also *In re Fritch*, 972 F.2d 1260, 23 USPQ2d 1780 (Fed. Cir. 1992) (flexible landscape edging device which is conformable to a ground surface of varying slope not suggested by combination of prior art references).

Additionally, it has been held that

"[a] statement that modifications of the prior art to meet the claimed invention would have been well within the ordinary skill of the art at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a prima facie case of obviousness without some objective reason to combine the teachings of the references. *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pat. App. & Inter. 1993)."

Appellant notes that the Examiner has pointed to the "model copy method" of ANDERSON (*see* col. 19, lines 11-24 of US 5,416,895 of which the EP document claims priority). In particular, referring to FIG. 9C, a model copy method 940 of ANDERSON is illustrated. In step 941, a block is defined or selected (e.g., dragging a selection). In step 942, model copy is enabled or disabled (as desired); alternatively, model copy may be enabled by default. In step 943 if model copy has been enabled, then in step 945 absolute address references

are copied as if they were relative address references, as previously described (with reference to FIGS. 4H-J). However, the address labels will remain absolute, so that they will be treated as absolute for future copying operations. Otherwise (no at step 943), absolute addresses are treated conventionally (i.e., referencing absolute addresses) in step 944. As shown in step 946, relative addresses are not affected, i.e., they continue to be treated relatively. In step 947, the copy operation is performed, employing the addresses as just determined, after which the method concludes.

It is apparent from this disclosure that, while ANDERSON teaches absolute address references can be copied as if they were relative address references, there is no teaching or suggestion in ANDERSON to storing in a working buffer the content of each cell that belongs to a source cell range, as recited in at least independent claim 1. The Examiner has acknowledged as much on page 5 of the Final Office Action.

Further, ANDERSON is silent with regard to clearing the content of each cell that belongs to said source cell range, as recited in at least claim 1, such that this document fails to provide any teaching or suggestion of the above-noted feature. Moreover, ANDERSON actually teaches away from the above-noted feature by teaching the source cell B1 remains un-cleared after the formula containing the absolute reference is copied to the destination cell B6, *see* Fig. 4J. Therefore, Appellant submits the Examiner has failed to identify any teaching or suggestion in ANDERSON to render unpatentable the above-identified features.

Appellant further submits that a fair reading of ANDERSON fails to find any teaching or suggestion for either the means for storing in a working buffer the content of each cell that belongs to said source cell range or the means for clearing the content of each cell that belongs to said source cell range to cut, as recited in at least independent claim 2. Moreover, the Examiner has acknowledged as much on page 5 of the Final Office Action. Additionally, as discussed above, ANDERSON is not only silent with regard to teaching or suggesting a means for clearing the content of each cell that belongs to said source cell range, as recited in at least independent claim 2, but actually teaches away from this feature by showing the source cell B1 remains un-cleared after the formula containing the absolute reference is copied to the destination cell B6, as shown in Fig. 4J. Accordingly, Appellant submits the Examiner has failed to identify any teaching or suggestion in ANDERSON of the above-noted features.

Finally, it is clear from a fair reading of ANDERSON that there is no teaching or suggestion of, *inter alia*, performing a test, while parsing, if any absolute reference is found within the content of the memory working buffer, as recited in at least independent claim 4. In this regard, Appellant notes the Examiner has acknowledged on page 5 of the Final Office Action that ANDERSON lacks a working buffer. Moreover, Appellant submits that, from a fair reading of ANDERSON, it is apparent that this document fails to teach or suggest parsing content as it relates to the present invention. It is also clear that ANDERSON fails to provide any teaching or suggestion of, *inter alia*, if any absolute reference is found, then performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard and if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position within the pasted range matches the relative position of the original absolute reference within the source cell range, as recited in at least independent claim 4. Again, Appellant notes that the above-noted language specifically recites a working buffer, which the Examiner has acknowledged, *see* on page 5 of the Final Office Action, ANDERSON fails to disclose.

Thus, Appellant submits that the above-noted claims are not disclosed or suggested by any proper reading or modification of ANDERSON.

Additionally, Appellant submits that there is no motivation to modify ANDERSON in a manner which would render obvious Appellant's invention. Nor has the Examiner identified any such motivation for, e.g., modifying ANDERSON to include the working buffer. Additionally, Appellant submits that there is no motivation or rationale disclosed or suggested in the prior art to modify ANDERSON in the manner suggested by the Examiner. The Examiner's opinion does not provide a proper basis for these features or for the motivation to modify ANDERSON in the manner suggested by the Examiner. This is based, in part, on the fact that all of the features of the claimed invention are clearly lacking in the applied prior art. Therefore, Appellant submits that the invention as recited in at least independent claims 1, 2 and 4 is not rendered obvious by any reasonable inspection and interpretation of the disclosure of the applied reference.

Furthermore, Appellant submits that dependent claim 3 is allowable at least for the reason that this claim depends from an allowable base claim and because this claim recites additional

features that further define the present invention. In particular, Appellant submits that no proper modification of ANDERSON discloses or even suggests, in combination the features recited in claim 2 in combination with the features recited in claim 1.

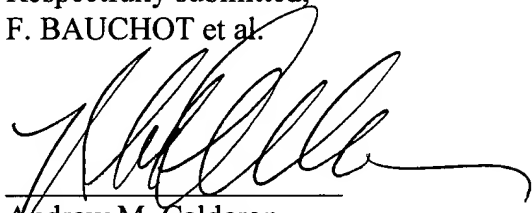
Accordingly, Appellant respectfully requests that the decision of the Examiner to finally reject claims 1 – 4 under 35 U.S.C. § 103(a) be reversed, and that the application be remanded to the Examiner for withdrawal of the rejection over the art of record fails to teach or suggest and an early allowance of all claims on appeal.

(D) Conclusion

Claim 2 is fully in compliance with the requirements of 35 U.S.C. § 101; Claims 1 – 4 are patentable under 35 U.S.C. § 103(a) over ANDERSON. Specifically, ANDERSON cannot anticipate or render unpatentable the unique combination of features recited in Appellant's claims 1 – 4. Accordingly, Appellant respectfully requests that the Board reverse the Examiner's decision to finally reject claim 2 under 35 U.S.C. § 101, and claims 1 – 4 under 35 U.S.C. § 103(a) and remand the application to the Examiner for withdrawal of the rejection.

Thus, Appellant respectfully submits that each and every pending claim of the present application meets the requirements for patentability under 35 U.S.C. §§ 101 and 103(a), and that the present application and each pending claim are allowable over the prior art of record.

Respectfully submitted,
F. BAUCHOT et al.



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Attachments: Claims Appendix
Evidence Appendix
Related Proceedings Appendix

(8) CLAIMS APPENDIX

1. A method for processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names, said method comprising the steps of:

selecting a source cell range to cut and paste or to copy and paste into a destination cell range;

storing in a working buffer the content of each cell that belongs to said source cell range;

clearing the content of each cell that belongs to a source cell range to cut;

for each cell stored in the working buffer:

if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range:

determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range;

determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range;

replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range;

copying the content of each cell stored in the buffer to corresponding cells within the destination cell range.

2. A system adapted for carrying out the method for processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names, comprising:

means for selecting a source cell range to cut and paste or to copy and paste into a destination cell range;

means for storing in a working buffer the content of each cell that belongs to said source cell range;

means clearing the content of each cell that belongs to a source cell range to cut;

for each cell stored in the working buffer, if the content of the stored cell comprises one or a plurality of absolute references pointing to a cell or a cell range belonging to the source cell range:

means for determining for each of said cells or cell ranges pointed by an absolute reference and belonging to the source cell range, a relative position within the source cell range;

means for determining for each of said relative position within the source cell range, a corresponding absolute reference within the destination cell range;

means for replacing within the stored cell, each absolute reference pointing to a cell or a cell range belonging to the source cell range by the corresponding absolute reference within the destination cell range; and

means for copying the content of each cell stored in the buffer to corresponding cells within the destination cell range.

3. A computer readable medium comprising instructions which when executed, perform the method according to claim 1.

4. A method for processing one or a plurality of absolute cell references or cell range references during a copy/cut and paste operation in a multi dimensional spreadsheet comprising a plurality of cells identified by addresses or names, said method comprising the steps of :

copying a first cell found in a memory clipboard within a working buffer in memory;

parsing content of the memory working buffer;

performing a test to detect, while parsing, if any absolute reference is found within the content of the memory working buffer;

if any absolute reference is found, then:

performing a test on the absolute reference found to determine if the absolute reference points to a cell which is part of a cell range which has been cut or copied to the memory clipboard;

if yes, updating the content of the memory working buffer to change the absolute reference identified so that it points within a pasted range to a cell whose relative position

within the pasted range matches the relative position of the original absolute reference within the source cell range;

copying the content of the memory working buffer within the pasted cell range at the cell location matching the relative position of the last cell copied from the clipboard to the memory working buffer when an entire content of the memory working buffer has been parsed and all potential absolute references pointing within the source cell range have been updated.

P26832.A01

Atty. Docket No.: FR20000003US1

(9) **EVIDENCE APPENDIX**

None.

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Atty. Docket No.: FR20000003US1

(10) **RELATED PROCEEDINGS APPENDIX**

None.